RESOLUTION 2026-004

RESOLUTION OF THE NEW MEXICO RENEWABLE ENERGY TRANSMISSION AUTHORITY APPROVING AND AUTHORIZING THE EXECUTION OF CERTAIN EASEMENTS, SUB EASEMENTS, RIGHTS-OF-WAY, OPTIONS TO ACQUIRE EASEMENTS, AND OTHER REAL PROPERTY AGREEMENTS PURSUANT TO WHICH THE NEW MEXICO RENEWABLE ENERGY TRANSMISSION AUTHORITY HOLDS A REAL PROPERTY RIGHT OR INTEREST IN THE APPLICABLE PORTION OF THE PROJECT SITES IDENTIFIED IN ANY LEASES TO WHICH RETA IS A PARTY FOR THE ACQUISITION, DEVELOPMENT, AND OPERATION OF A TRANSMISSION OR STORAGE PROJECT PURSUANT TO THE RENEWABLE ENERGY TRANSMISSION ACT; RATIFYING PRIOR ACTIONS CONSISTENT WITH THIS RESOLUTION AND REPEALING PRIOR INCONSISTENT ACTION; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION AND RELATED MATTERS.

Capitalized terms used in the following recitals have the meaning defined in the following recitals and have such meaning when used in this Resolution unless the context requires otherwise.

WHEREAS, the New Mexico Renewable Energy Transmission Authority ("RETA") is charged with implementing the New Mexico Renewable Energy Authority Transmission Act, NMSA 1978, § 62-16A-1, et seq. (the "Act"), and, in connection therewith, facilitating the development of eligible facilities (as defined in the Act) located entirely or in part within the State of New Mexico; and

WHEREAS, in implementing the Act, RETA acquires interests in real property pursuant to the terms of a Development, Acquisition, Lease, and Sub-Easement Agreement ("Lease Agreement") for development of an eligible facility; and

WHEREAS, RETA has entered into Lease Agreements for development of the SunZia Transmission Project, the RioSol Transmission Project, the Mora Transmission Project, the Crossroads-Hobbs-Roadrunner Transmission Project, the North Path Transmission Project, the Eastern New Mexico Connector Transmission Project, and the Hidden Mountain Extension Project; and

WHEREAS, RETA anticipates entering into additional Lease Agreements in the future that may contain provisions under which RETA holds real property interests; and

WHEREAS, from time to time, an entity not a party to a Lease Agreement with RETA may request an easement, right-of-way, or other interest in real property ("Real Property Agreements") held by RETA; and

WHEREAS, RETA has determined that it is in furtherance of its statutory purpose to consider and enter into such Real Property Agreements on terms which facilitate and do not interfere with development of the eligible facility for which RETA holds real estate interest.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of RETA, as follows:

Section 1. Definitions. Capitalized terms used but not defined in this Resolution have the meanings give to them in the Lease Agreement applicable to the land at issue in the proposed Real Property Agreement.

Section 2. Ratification. All actions heretofore taken, not inconsistent with the provisions of this Resolution, by RETA, its Board, officers, employees and agents, related to the Projects are hereby ratified, approved and confirmed.

Section 3. Authorization and Execution of Documents. The execution and delivery of Real Property Agreements that are negotiated by RETA staff and counsel and approved by both Parties to the Lease Agreement applicable to the land at issue in the proposed Real Property Agreement and the performance of RETA's obligations contemplated thereunder are hereby authorized and approved. The Chairman of RETA, Robert E. Busch, the Member of the Board, Jeremy Lewis, and the Executive Director of RETA, Lynn E. Mostoller, (each a "Proper Officer"), any one of whom may act without the joinder of any of the others, are hereby authorized, empowered and directed, in the name and on behalf of RETA, to execute and deliver the Real Property Agreements with such changes, insertions and omissions as any such Proper Officer, may deem necessary, appropriate or advisable, the execution and delivery of the Documents by any such Proper Officer with any changes, insertions or omissions thereto to be conclusive evidence that such Proper Officer deemed such changes to meet such standard; provided, however, that the authority granted under this Resolution to the Executive Director is limited to Real Property Agreements under which the total compensation to be received by RETA does not exceed $60,000.

Section 4. Severability Clause. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 5. No Recourse and Liability. All covenants, stipulations, obligations and agreements of RETA contained in this Resolution, and in the documents hereby authorized, shall be deemed to be the covenants, stipulations, obligations and agreements of RETA, and all such covenants, stipulations, obligations and agreements shall be binding upon RETA, and, except as otherwise provided in this Resolution and such documents, all rights, powers and privileges conferred, and duties and liabilities imposed, upon RETA by the provisions of this Resolution, and in the documents hereby approved, shall be exercised or performed by RETA; provided that no covenant, stipulation, obligation or agreement herein contained or contained in any document hereby approved and authorized for execution shall be deemed to be a covenant, stipulation, obligation or agreement of any officer, director, member, agent or employee of RETA in his or her individual capacity, and neither the members of RETA nor any officials executing the Real Property Agreements shall be liable personally under the Real Property Agreements.

Section 6. Inconsistent Prior Resolution; Effective Date. All orders, resolutions, or proceedings in conflict with provisions of this Resolution shall be, and the same hereby are, repealed, rescinded, and set aside, but only to the extent of such conflict. This Resolution shall become effective immediately upon the adoption hereof.

Section 7. Section Headings. The headings or titles to the several sections hereof shall be solely for the convenience of reference and shall not affect the meaning or construction, interpretation or effect of this Resolution.

The foregoing Resolution of the Board of RETA was adopted and approved by RETA on April 7, 2026.

Robert E. Busch
Chair